

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY BELGRADE PRIORITY

C O N F I D E N T I A L STATE 005481

E.O. 11652: GDS

TAGS: MASS, YO

SUBJECT: DISPOSITION OF MAP-FURNISHED EQUIPMENT

1. FOLLOWING REPRESENT OUR COMMENTS AND RECOMMENDATIONS CONCERNING DRAFT EXCHANGE OF NOTES SUGGESTED BY ASSISTANT SECRETARY BERNARDIC TO ASSISTANT SECRETARY VEST DURING KARDELJ VISIT CONCERNING DISPOSITION OF REMAINING DEFENSE ARTICLES PREVIOUSLY FURNISHED TO GOY ON GRANT BASIS UNDER MILITARY ASSISTANCE PROGRAM.

2. AS WE READ DRAFT NOTE, GOY IS PROPOSING TO DISPOSE OF ALL REMAINING MAP-ORIGIN DEFENSE ARTICLES BETWEEN NOW AND NOVEMBER 14, 1979. PENDING SUCH DISPOSITION, ALL ASSURANCES CONTAINED IN AUGUST 25, 1959 AGREEMENT (TIAS 4300) RELATING TO USE, TRANSFER AND SECURITY OF ARTICLES WOULD REMAIN IN FORCE AND WOULD BE FULLY OBSERVED BY GOY. (NOTE DOES NOT SPECIFY METHOD OF QUOTE DISPOSITIONING UNQUOTE.
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WE ASSUME FROM SEPTEMBER DISCUSSIONS THAT THEY MEAN DISPOSAL BY CANNIBALIZATION OR REDUCTION TO RAW MATERIALS FOR USE IN GOY-PRODUCED DEFENSE ARTICLES, I.E. SO THAT MAP ORIGIN ITEMS NO LONGER IDENTIFIABLE AS SUCH. IN ANY CASE, MEANING OF QUOTE DISPOSITIONING UNQUOTE WOULD HAVE TO BE CLEARLY SPELLED OUT IN ANY NOTES ON SUBJECT.)

3. ALTHOUGH TEXT OF GOY NOTE IS NOT ENTIRELY CLEAR ON THIS POINT, WE ASSUME THAT GOY WOULD CONSTRUCT EXCHANGE AS CONSTITUTING FORMAL USG CONSENT TO DISPOSITION OF REMAINING MAP-ORIGIN DEFENSE ARTICLES, WITHOUT FURTHER REFERENCE TO USG UNTIL SUCH TIME AS DISPOSITION IS ENTIRELY COMPLETE. THIS POSES A NUMBER OF SERIOUS PROBLEMS. WHILE PERHAPS NOT EXPRESSLY PRECLUDED BY LAW, SUCH BLANKET ADVANCE CONSENT WOULD BE DIFFICULT TO RECONCILE WITH USG'S LEGAL AND POLICY RESPONSIBILITIES WITH RESPECT TO USE AND DISPOSITION OF MAP MATERIEL. MOREOVER, PROPOSED EXCHANGE WOULD BE AN INTERNATIONAL AGREEMENT WHICH, ONCE CONCLUDED, WOULD HAVE TO BE TRANSMITTED TO THE CONGRESS FOR ITS INFORMATION UNDER THE CASE ACT. (THE LATTER POINT IN PARTICULAR SHOULD BE BROUGHT TO THE ATTENTION OF THE GOY.) IN ANY CASE, WE ARE NOT CLEAR AS TO ADVANTAGES FOR GOY IN THEIR SUGGESTED APPROACH, IN THAT 1959 AGREEMENT WOULD, OF COURSE, CONTINUE IN FORCE INsofar AS MAP MATERIEL IS CONCERNED UNTIL DISPOSITION IS COMPLETE.

4. FOR FOREGOING PRINCIPAL REASONS WE CONTINUE TO STRONGLY PREFER THAT, IF THERE MUST BE AN EXCHANGE OF NOTES ON THIS SUBJECT, IT BE ALONG THE LINES OF THE L/PM DRAFT LEFT WITH EMBASSY IN SEPTEMBER. FIRST, IT SEEMS TO US THAT THIS OUGHT TO GO A LONG WAY IN MEETING GOY SENSITIVITIES INsofar AS IT WOULD EXPRESSLY CONFIRM THAT ONCE ALL REMAINING MAP EQUIPMENT IS DISPOSED OF, RELEVANT PRO-

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VISIONS OF 1959 AGREEMENT WOULD CEASE TO HAVE ANY FORCE. SECONDLY, WE WOULD NOT CONSIDER SUCH AN EXCHANGE TO REPRESENT AN INTERNATIONAL AGREEMENT FOR CASE ACT PURPOSES, BUT MERELY CONFIRMATION OF LEGAL EFFECT OF CERTAIN ACTIONS WITH RESPECT TO EXISTING AGREEMENT. THIRDLY, SUCH AN EXCHANGE WOULD AVOID DIFFICULT LEGAL AND POLICY QUESTIONS REGARDING THE ADMINISTRATION OF SECURITY ASSISTANCE PROGRAMS RAISED BY BLANKET CONSENT ENTAILED IN GOY PROPOSAL. FYI. IN ADDITION, EMBASSY SHOULD BE AWARE THAT PROVISIONS OF PARAGRAPH 4, OF 1959 AGREEMENT, AMENDING 1954 AGREEMENT ON OFFSHORE PROCUREMENT (TIAS 3567) SHOULD SPECIFICALLY BE RECOGNIZED IN ANY EXCHANGE OF NOTES AS REMAINING IN FORCE NOTWITHSTANDING FULL EXECUTION OF MAP PROVISIONS OF 1959 AGREEMENT, IN ORDER TO AVOID ANY POSSIBLE CONFUSION AS TO STATUS OF AMENDMENTS TO 1954 OFFSHORE PROCUREMENT AGREEMENT. SUITABLY REVISED TEXT OF L/PM DRAFT BEING SENT SEPTTEL. END FYI.

5. WOULD APPRECIATE EMBASSY VIEWS AS TO ACCEPTABILITY OF REVISED US DRAFT NOTE TO GOY. EMBASSY MAY, IN ITS DISCRETION, PRESENT REVISED DRAFT TO GOY, DRAWING UPON FOREGOING POINTS IN EXPLAINING TO GOY WHY GOY-PROPOSED TEXT

CREATES SERIOUS PROBLEMS FOR USG. VANCE

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